

Case No. 23-12469

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

CITY OF ATLANTA,

Appellant-Defendant,

v.

LISA BAKER, JACQUELINE DOUGHERTY, KEYANNA JONES, and
AMELIA WELTNER,

Appellees-Plaintiffs.

Appeal from the United States District Court
for the Northern District of Georgia

**APPELLEES' RESPONSE TO
CITY OF ATLANTA'S MOTION TO EXPEDITE**

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Baker et al. v. City of Atlanta
Case No. 23-12469

CERTIFICATE OF INTERESTED PERSONS

The undersigned certified that the following is a complete list of all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of the particular case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party.

1. Ashe III, Robert L.
2. Atlanta Police Foundation, Inc.
3. Baker, Lisa
4. Bondurant, Mixson & Elmore, LLP
5. City of Atlanta
6. Cohen, Mark H.
7. Defend the Forest
8. Dougherty, Jacqueline
9. Filipovits, Jeff
10. Law Offices of Gerry Weber, LLC
11. Jones, Keyanna

Baker et al. v. City of Atlanta
Case No. 23-12469

12. Patel, Alkesh B.
13. Sellers, Matthew R.
14. Smith, Wingo
15. Spears, G. Brian
16. Spears & Filipovits, LLC
17. State of Georgia
18. Stop Cop City Coalition
19. Vincent, Jane D.
20. Weber, Gerald
21. Weltner, Amelia
22. Winkles, Logan B.

/s/Jeff Filipovits
Jeff Filipovits
Georgia Bar No. 825553

Plaintiffs do not oppose expediting this appeal. However, the City’s request for a decision on the merits by September 20, 2023, is unnecessarily short.

The City’s urgency is the product of its misrepresentation of the likely election date. *See* Doc. 31 at 5–8 (discussing the potential timeline for the referendum process). Moreover, the City has repeatedly stated that it will not approve the referendum petition. *See* Doc. 15 at 19 (arguing that “the proposed referendum here is invalid and/or a nullity, and it cannot be placed on the ballot”); Doc. 29 at 5 (“The petition Plaintiffs wish to circulate is a nullity because a referendum seeking to repeal a city ordinance is invalid”); *Id.* at 29 (“If the supporters garner enough signatures . . . the city council . . . will have no choice under *Kemp* but to reject the petition.”).

The City has shortened the period in which they can expect a decision by filing its opening brief early. *See* App. Doc. 16 at i. Plaintiffs’ response to the City’s merits brief is currently due September 27, 2023. Moreover, the City will have all the information necessary to implement any action required by this Court’s decision before March 2024. Each petition is dated by the circulator and the Atlanta voter signing it. In addition, the circulators must include their address, which allows the City to easily track or locate those petitions signed during the period of the district court’s injunction and circulated by non-City of Atlanta

residents.

Therefore, there is no need for a final decision on the merits by September 20, 2023. Plaintiffs others defer to the Court as to what briefing schedule will be most helpful in deciding this appeal.

Submitted this 29th day of August, 2023.

/s/Brian Spears
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/s/Wingo Smith
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CERTIFICATE OF COMPLIANCE

This document complies with the word limit of Fed. R. App. P. 27(d)(2) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f) this document contains 289 words. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using LibreOffice 7.4.5.1 in 14 point Times New Roman font.

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